

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

**IN RE: Sabrina Brown Erkhart
Brett Alvin Erkhart, Debtors**

**Case No. 24-51518-KMS
CHAPTER 13**

NOTICE

Debtors have filed papers with the court to Modify their Chapter 13 Bankruptcy Plan.
Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to amend the Plan, or if you want the court to consider your views on the Motion, then on or before 30 days, you or your attorney must:

File with the court a written request for a hearing at:

U.S. Bankruptcy Clerk
U.S. Bankruptcy Court
Thad Cochran United States Courthouse
501 E. Court St., Ste 2.300
Jackson, MS 39201

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date state above.

You must also mail a copy to the debtors' attorney:

The Rollins Law Firm, PLLC
P.O. Box 13767
Jackson, MS 39236
(601) 500-5533

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief, which shall sustain this Motion to Modify Plan.

Date: April 23, 2025

Signature:

/s/ Thomas C. Rollins, Jr.

Thomas C. Rollins, Jr. (MSBN 103469)
Jennifer Ann Curry Calvillo (MSBN 104367)
The Rollins Law Firm, PLLC
P.O. Box 13767
Jackson, MS 39236

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MOTION TO MODIFY BANKRUPTCY PLAN

COME NOW, Debtors, by and through counsel, and move this Court to modify their Chapter 13 plan, and in support thereof, would show the Court as follows:

1. Debtors commenced this case on October 22, 2024 by filing a voluntary petition for relief under Chapter 13 of Title 11 of the United States Bankruptcy Code.
2. Debtors inadvertently left off a debt owed to the Mississippi Department of Revenue.
3. Debtors filed an Amended Schedule E on April 18, 2025 (Dk # 45), adding Mississippi Department of Revenue debt.
4. Debtors wish to modify the Confirmed Plan to provide payment of the debt owed to the Mississippi Department of Revenue pursuant to the claim filed with the court.
5. Notwithstanding the increase in the monthly payment amount, the Confirmed Plan provisions regarding the distribution to unsecured creditors should remain unchanged.
6. The Chapter 13 Trustee should retain discretion to issue a wage order or otherwise increase the payment amount of the Modified Payment if the Trustee determines such increase is necessary to pay the priority and secured claims as ordered in the confirmed plan.
7. Except as expressly modified herein, all other terms of the Confirmed Plan should remain unchanged and in full force and effect.

8. Debtors wish for the Trustee to cure any deficiency including ongoing mortgage payments paid through the plan, if one exists, and adjust the wage order as needed.

WHEREFORE, Debtors pray that their Bankruptcy Plan be modified to reflect the above-mentioned changes and for such additional or alternative relief as may be just and proper.

Respectfully submitted

/s/ Thomas C. Rollins, Jr.

Thomas C. Rollins, Jr. (MS Bar No. 103469)

Of Counsel:

Thomas C. Rollins, Jr.
Jennifer Ann Curry Calvillo
The Rollins Law Firm, PLLC
P.O Box 13767
Jackson, MS 39236
601-500-5533

CERTIFICATE OF SERVICE

I, Thomas C. Rollins, Jr., do hereby certify that a true and correct copy of the above and foregoing Notice and Motion to Modify Plan was forwarded on April 23, 2025, to:

By USPS First Class Mail, Postage Prepaid:

MS Dept of Revenue
Bankruptcy Section
PO Box 22808
Jackson, MS 39225-2808

MS Dept of Revenue
c/o MS AG
550 High Street
Jackson, MS 39201

By Electronic CM/ECF Notice:

Warren Cuntz

U.S. Trustee

/s/ Thomas C. Rollins, Jr.
Thomas C. Rollins, Jr.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

IN RE:

Sabrina Brown Erkhart
Brett Alvin Erkhart

CASE NO: 24-51518

**DECLARATION OF MAILING
CERTIFICATE OF SERVICE**

Chapter: 13

On 4/23/2025, I did cause a copy of the following documents, described below,
Notice and Motion to Modify Plan

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R.Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

Parties who are participants in the Courts Electronic Noticing System ("NEF"), if any, were denoted as having been served electronically with the documents described herein per the ECF/PACER system.

DATED: 4/23/2025

/s/ Thomas C. Rollins, Jr.
Thomas C. Rollins, Jr.

The Rollins Law Firm
702 West Pine St
Hattiesburg, MS 39401
601 500 5533
trollins@therollinsfirm.com

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

IN RE:

Sabrina Brown Erkhart
Brett Alvin Erkhart

CASE NO: 24-51518

**CERTIFICATE OF SERVICE
DECLARATION OF MAILING**

Chapter: 13

On 4/23/2025, a copy of the following documents, described below,

Notice and Motion to Modify Plan

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 4/23/2025



Miles Wood
BK Attorney Services, LLC
d/b/a certificateofservice.com, for
Thomas C. Rollins, Jr.
The Rollins Law Firm
702 West Pine St
Hattiesburg, MS 39401

USPS FIRST CLASS MAILING RECIPIENTS:

Parties with names struck through or labeled CM/ECF SERVICE were not served via First Class USPS Mail Service.

FIRST CLASS

MS DEPT OF REVENUE
BANKRUPTCY SECTION
P.O. BOX 22808
JACKSON MS 39225-2808

FIRST CLASS

MS DEPT OF REVENUE
C/O MS AG
550 HIGH STREET
JACKSON MS 39201